

March 22, 2002

TO: Recipients of Legislative Memos

FROM: David A. Vogler, Legal Counsel

SUBJECT: Legislative Memo #7 for the 2002 Session

First let me apologize for not issuing a memo on 3/8 and 3/15. Hopefully I will be able to keep on track now for the remainder of the session. Today is the 44th day of the session, which means that there are only 16 days remaining. The Legislature is now in the first round of debates regarding the state budget shortfall. It is estimated that for the 02-03 fiscal year the state is in the red for a little over \$114 million. For the out year budget of the 03-05 biennium the shortfall amounts to an estimated \$430 million. Needless to say, the legislature is concentrating on these issues. So far this week the Senators have not made significant progress in addressing the problems. It should make for an interesting last four weeks.

The remaining recess days are scheduled for 3/29, 4/1, 4/12 and 4/15. The session ends on 4/19.

As for the Department's budget, the following cuts were made by the legislature through the appropriation bill which has been advanced to select file.

	<u>Reduction</u>	<u>02-03 Budget</u>
DNR Operations	(353,393)	10,868,048
Soil&Water Cons.	(118,624)	3,637,816
Res. Dev. Fund	(117,600)	3,606,400
Small Watershed	(6,000)	184,000
Water Quality	(7,500)	230,000
TOTAL	(604,117)	18,526,264

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Enclosure

LB 458 Water Well Report plus Amendments

LB 458 was passed by the Legislature and signed by the Governor on March 18. The bill which originally only removed a reporting requirement for the Water Well Contractor's Board contains a number of amendments. All industrial water well owners will now be able to apply to the Department to transfer water off the overlying lands. Previously, industrial well owners who had existing wells on April 23, 1993 had only five years from that date to apply for such permits. All permits will need to be evaluated by the Department prior to approval. Also included as an amendment is an extension of the sunset date on the temporary moratorium on well drilling under LB 108. The extension is for five years making the sunset date 12/31/07. Finally an amendment was added which removes the requirement of the Department to collect fees for change of ownership and updates of information. The costs of the Department for that work will now be borne 50% from the Water Well Decommissioning Fund and 50% from the Water Well Contractor's Fund for the next two years. (This was LB 890).

LB 1023 Water Policy Task Force

The latest version of LB 1023 is now a proposed amendment to LB 1003, which is a Game and Parks bill currently on select file. The amendment is AM 3119. The only change made from the committee amendment to LB 1023 (see memo # 6) is in the funding of the task force. AM 3119 proposes to utilize \$150,000 from the Petroleum Release Cash Fund, \$250,000 from the Soil and Water Conservation Cash Fund, and directs the task force to apply for an Environmental Trust Grant of \$350,000. All of these monies would be placed in a Water Policy Task Force Cash Fund administered by the Department of Natural Resources. Depending on the budget debates the bill could come up any time in the next two weeks.

LB 936 Authorizing Drainage Programs for NRD's

LB 936 would authorize NRD's to join with cities and counties to develop storm water management programs. An attempt was made to amend it and LB 938 (authorizing use of the SWCF for urban conservation programs) into LB 814. After limited but controversial debate the bill was bracketed until March 12. To date it has not appeared on the schedule again.

2002 LEGISLATIVE MEMO #7

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LEGISLATIVE MEMO #7
STATUS REPORT – 2002 SESSION

NOTE: Changes from the last memo are shown in bold.

LB #	Subject	Committee/ Hearing Info.	Applicable Legis. Memo(s)	Status (e-date)
57	Sales tax/public records		1	F
120	Ag land values		1	IP
121e	Base limitation/lid		1	IP
161	Poli. Sub. Tort claims		1	G
259	Counties/Occ. Tax/vacate roads?		1	AG(2-27)
290	Ag land at 50%		1	IP
301	Eng. & Arch. Act/triggers	HHS/2-8;1:30	1	G
355	Poli. Sub. Tort Claims/2 years		1	G
404	State Water Task Force		1	G
447	NRDs/Counties/Close Roads		1	IP
458	Water Well Board Report		1,2,4,5	AG(3-18)
504	Approp. for NREF		1	C
568ePB	Budget date/e-filing		1	AG(2-27)
600PB	Ag land/net earning value		1	S
628	State 404 program		1	IP
632	NGPC/# of members		1	IP
634	DOA fees/NREF		1	G
635	Approp. for NREF #2		1	C
636	Nat. Heritage Plates		1	C
708	Lottery/Env. Trust 14.5%		1	IP
709	NRD/Em. dom./rec. use		1	C
731	Vacancies/elected boards		1	IP
758PB&A	Fertilizer fee/excess/UNL		1	G
763	Storage/dams/LWCF		1,2	G
764	Stormwater/assess areas		1	IP
777	Amends to Nebr. NG-ESCA		1	G
778	NGPC/confidentiality		1	G
785	Railroad/Em. dom./DNR		1	C
791PB	Lottery/18% to funds		1	G
813e	Public facility financing		1	C
837e	DNR hearings/NRD/county		1	IP
889	Well Stand./Contractor's Lic.	N.R./1-23;1:30	2,5	IP
890	Well Regis. Fee Structure	N.R./1-23;1:30	2,5,7	G
891	ET Admin. Structure	N.R./1-25;1:30	2	G
903	Interstate Compact Sunshine Act	Gov./1-31;1:30	2	IP
936	Authorize Drainage Programs	N.R./2-7;1:30	2,5,7	G
937	NE Soil & Water Cons. Fund	N.R./1-23;1:30	2,5	IP
938	NE Soil & Water Cons. Fund	N.R./1-23;1:30	2,5,7	IP

Code: * (unofficial); (e) emergency clause; (CA) constitutional amendment; (C) in committee; (G) General File; (S) Select File; (F) Final Reading; (P) Passed; (AG) Approved by Governor; (IP) Indefinitely Postponed; (V) Vetoed; (LV) Line item veto of appropriation; (LWG) Became law w/o Governor's signature; (POV) Passed over Governor's Veto; (W) Withdrawn; (PB) Priority Bill; (A) includes appropriation bill; (PR) Priority Resolution

940	Enforce. of Well Regis. Statutes	N.R./2-13;1:30	2,5	G
941	Misc. Department Fees	N.R./1-31;1:30	2,4,5	IP
1023PB	Water Policy Task Force	N.R./1-24;1:30	2,5,7	G
1026	Adopt Water Rights Leasing Act	N.R./2-7;1:30	2	C
1066	Violations/Cease & Desist Orders	N.R./2-13;1:30	2,5	G
1161	Water Suppliers Pay Coun. Serv.	U.A./1-29;1:30	3,5	IP
1219	Approp. Funds to NRC	App./2-13;1:30	3,5	C
1230	MUDs/Retail Water & Gas Sales	U.A./2-5;1:30	3,5	IP
1272	Env. Resp. Cont. Fund/Lottery	N.R./2-20;1:30	3,5	IP
1288	Niobrara Council Powers	N.R./2-7;1:30	3,5	IP
1291	Scrap Tire Grant Trust/ET	N.R./2-13;1:30	3	IP